

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

TYCO HEALTHCARE GROUP LP

Plaintiff,

v.

MEDICAL PRODUCTS, INC.

Defendant.

Civil Action No. 1:04-CV-11524-DPW

**PLAINTIFF'S CERTIFICATION OF
COMPLIANCE WITH LOCAL RULE 16.1(D)(3)**

Pursuant to Local Rule 16.1(D)(3), the undersigned counsel and authorized representative of defendant Tyco Healthcare Group, LP ("Tyco Healthcare"), certify that Tyco Healthcare and its counsel have conferred: (a) with a view to establishing a budget for the costs of conducting the full course, and various alternative courses, of the litigation; and (b) to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.

Respectfully submitted,

Counsel:

TYCO HEALTHCARE GROUP LP

/s/ Jeffrey D. Clements

By: /s/ Matthew Nicolella

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Matthew Nicolella, Senior Counsel

Dated: September 16, 2004

CERTIFICATE OF SERVICE

I, Jeffrey D. Clements, hereby certify that a copy of the foregoing document was served by mailing same, postage prepaid, first class mail to counsel of record for the plaintiff on September 16, 2004.

/s/ Jeffrey D. Clements

Jeffrey D. Clements